

09/289,305

Attorney's Docket No.:10559/008001

REMARKS

In view of the foregoing amendments and the following remarks, reconsideration and allowance are requested.

Claims 1-5, 8-10, 12-13, 15-24 were pending. Claims 18 and 24 are currently cancelled to obviate the rejections to those claims. Claims 1, 3, 4, 8-10, 12-13, 15-17, 19-23 have been amended to obviate the rejections to those claims. Claims 31-32 have been added. Therefore, Claims 1-5, 8-10, 12-13, 15-17, 19-23, 31-32 are currently pending, with Claims 1, 15, 20, 23, 31-32 being independent.

Claims 1, 5, 9, 12-13 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,078,579 to Weingarten in view of U.S. Patent No. 6,584,094 to Maroulis, in further view of U.S. Patent No. 5,222,136 to Rasmussen. Claim 4 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Weingarten in view of Maroulis. Claims 8, 18, 19, 21-24 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Weingarten in view of Maroulis, in further view of Rasmussen and U.S. Patent No. 6,393,460 to Gruen. Claim 3 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Weingarten in view of Maroulis, in further view of Rasmussen and U.S. Patent No. 5,642,397 to Agbaje-Anozie. Claims 2, 10, and 15-17 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Weingarten in view of Maroulis, in further view of Rasmussen and U.S. Patent No. 6,304,659 to Gold.

Claim 20 stands objected to for being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.

Claim 20

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Claim 20 has been rewritten in independent form to include the limitations of the base claim, Claim 18. The Office Action states on page 26 in the **Allowable Subject Matter** section that "nothing in the prior art of the record teaches or fairly suggests generating a random number, sending the random number to the calling telephone across the voice telephone network and receiving the encrypted random number at the receiving computer across the computer (network) in view of the prior art teachings of Weingarten, Maroulis, and Gruen, in combination with all the other limitations listed in the claim." In one exemplary embodiment of verifying the telephone-computer connection for the calling telephone and calling computer, allowable subject matter is shown in the disclosure in FIG. 6, and discussed on page 22. Accordingly, the Applicant respectfully requests allowance of Claim 20.

Claim 1

Claim 1 is patentable over the cited references at least because the cited references fail to teach or suggest each and every feature of the claim. Claim 1 has been amended to include the allowable features stated above with respect to Claim 20. As stated in the Office Action, neither Weingarten, Maroulis, and Gruen, alone or in combination, teach or suggest these allowable features. The allowable features added to Claim 1 involve verifying that the calling computer is coupled to the calling telephone. Rasmussen, in teaching an encryption system, fails to remedy the deficiencies of Weingarten and Maroulis. For at least this reason, the Applicant respectfully requests removal of the 35 U.S.C. 103(a) rejection and asks that Claim 1 be placed in condition for allowance.

Claims 15 and 23

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Claims 15 and 23 are independent claims that recite subject matter similar to Claim 1. In particular, Claims 15 and 23 have been amended with similar allowable features that have been added to Claim 1 that involve verifying that the calling computer is coupled to the calling telephone. Gold, in suggesting sending an encryption key across a connection, fails to remedy the deficiencies of Rasmussen, Weingarten, and Maroulis. Therefore, the Applicant requests that the 35 U.S.C. 103(a) rejection be withdrawn and these independent claims be placed in condition for allowance.

Claims 2-5, 8-10, 12-13, 16-17, 19, 21-23

Claims 2-5, 8-10, 12-13, 16-17, 19, 21-23 all depend from an allowable base claim and are further allowable for reciting allowable subject matter in their own right. Proper allowance of these dependent claims is requested.

Claims 31-32

Claims 31-32 include the allowable subject matter recited in Claim 20 and are allowable for the same reasons stated above with respect to Claim 20.

CONCLUSION

In view of the amendments and remarks, Applicant believes that all pending claims, Claims 1-5, 8-10, 12-13, 15-17, 19-23, 31-32 are in condition for allowance and asks that those pending claims be allowed. The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence by the Applicant with other positions of the Examiner that have not been explicitly contested. Accordingly, Applicant's arguments for patentability of a claim should not be

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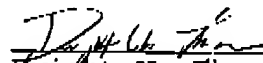
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construed as implying that there are not other valid reasons for patentability of that claim or other claims.

No fee is believed to be currently due. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 11/05/04


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